

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

KENNETH KELLEY,)	
)	
Plaintiff,)	
)	
)	No. 3:13-CV-096-PLR-HBG
v.)	
)	
APRIA HEALTHCARE, INC., <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02.

The Scheduling Order in this case directs that the parties must attempt to resolve discovery disputes, informally, through a conference with the undersigned. Specifically, the parties are required to participate in a conference with the undersigned prior to filing a motion to compel or similar discovery-related motion. [See Doc. 124 at 4]. Consistent with the Scheduling Order, the parties in this case have requested – and the Court has scheduled – a conference to address production of a settlement agreement and potentially other documents related to certain settlements reached in this case. The parties to the settlement agreements object to their production.

Numerous parties and former parties to this suit have stated that they would like to participate in this conference. Moreover, the informal summaries that usually accompany discovery-dispute conferences have evolved into lengthy briefs, discussing the wide-ranging case law related to this issue. Based upon these circumstances and the nature of the issue before the

Court, the Court finds that it is appropriate to waive the discovery-dispute provision of the Scheduling Order.

Accordingly, the portion of Section 3(j) of the Scheduling Order, which requires the parties to participate in a discovery-dispute conference with the undersigned, is **WAIVED**. The conference scheduled to take place at **10:00 a.m. on August 12, 2015**, is **CANCELLED**. The Court finds that the unique circumstances presented by this issue constitute good cause for modifying the deadline for filing motions to compel pursuant to Rule 16, *with regard this particular issue*. Therefore, the parties or interested third parties shall have up to and including **August 18, 2015**, in which to file a motion to compel or motion for protective order relating to this issue, as may be appropriate.

IT IS SO ORDERED.

ENTER:


United States Magistrate Judge